

[(23)] (22) Refuses, withholds from, denies, or discriminates against [an individual] A PATIENT OR CLIENT with regard to the provision of professional services for which the licensee is licensed and qualified to render because the [individual] PATIENT OR CLIENT is HIV positive;

[(24)] (23) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

[(25)] (24) Willfully and without legal justification, fails to cooperate with a lawful investigation conducted by the Board; or

[(26)] (25) Fails to meet accepted standards in delivering physical therapy or limited physical therapy care.

13-317.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 13-316 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) The individual may be represented at the hearing by counsel.

(d) (1) The chairman of the Board may delegate authority to conduct a hearing to a committee consisting of three or more Board members.

(2) The committee shall:

(i) Hold an evidentiary hearing; and

(ii) Prepare a recommended decision for consideration by a quorum of the Board, which may include members of the committee.

(3) The committee shall give [to the individual who is the subject of the hearing notice of] EACH PARTY the opportunity to file exceptions and present argument to the Board regarding the decision of the committee.

(e) Over the signature of an officer or the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(f) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.